IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.45287-M of 2005

Date of Decision: 24.7.2007

Vidya Sagar ....Petitioner.

Versus

State of Haryana and another ...Respondents.

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Present:- Mr.Sanjiv Gupta, Advocate
for the petitioner.

Mr.Narinder Sura, AAG Haryana.

Mr. Suman Jain, Advocate
for respondent No.2.

S.S.SARON, J.(ORAL)

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This petition under Section 482 Cr.P.C. has been filed seeking quashing of FIR No.29 dated 7.1.1997 (Annexure P9) registered at Police Station City Sirsa for the offences under Section 498A and 406 IPC in view of the compromise/joint statement dated 24.8.2001 (Annexure P1).

The case FIR dated 7.1.1997 (Annexure P9) was registered on the complaint of Sheela Rani (respondent No.2) against her husband (petitioner) and others alleging that her marriage was solemnised with the petitioner on 19.5.1996. Details of the expenses incurred on the marriage and the items given were mentioned. It is further alleged that respondent No.2 was harassed and the accused demanded that she should bring more dowry. Thereafter she started living separately. In view of the matrimonial disputes various litigations ensued between the parties. On 24.8.2001 a compromise (Annexure P1) was reached at in the proceedings pending

before the learned Additional District Judge, Sirsa seeking dissolution of the marriage between the parties by way of a petition to be filed by respondent No.2 and her husband under section 13-B of the Hindu Marriage Act, 1955 (`Act' for short). In terms of the compromise dated 24.8.2001 (Annexure P1) it was inter-alia stated that the parties had agreed to dissolve their marriage by mutual consent. Besides, respondent No.2 undertook to withdraw the petition under Section 18 of the Hindu Adoption and Maintenance Act,1956 for the grant of maintenance pending in the Court of learned Civil Judge (Sr. Division), Sirsa. The said petition has since been dismissed in default vide order dated 5.11.2001. The parties have made full and final settlement regarding their matrimonial disputes and the dowry articles have been received back and returned to respondent No.2. No one has any further claim against the other. Besides, respondent No.2 was not to claim or demand maintenance allowance from the petitioner. As regards the present case under Section 406 and 498 A IPC which is pending in the Court of Chief Judicial Magistrate, Sirsa, it has been undertaken to make statements accordingly in the said case so as to seek acquittal of all the accused. Respondent No.2 has also undertaken to give affidavit to that effect to the petitioner so as to file a petition for getting the FIR quashed. Keeping in view the compromise that has been arrived at between the parties it is submitted and prayed that the impugned FIRNo.29 dated 7.1.1997 (Annexure P9) be quashed.

Learned counsel for the State submits that the State would have no objection to the quashing of the FIR in view of the matter having been amicably settled between the parties.

I have heard learned counsel for the parties and perused the record.

The Hon'ble Supreme Court in B.S.Joshi Vs. State of Haryana 1998 SCC (Criminal) 848 has held that where matrimonial dispute between the litigating parties has been amicably settled, the provisions of Section 320 Cr.P.C. would not be a bar to the quashing of FIR. Rather it was stressed that it is the duty of the Court to encourage genuine and bonafide settlements of matrimonial disputes. A reading of the compromise (Annexure P1) entered into between the petitioner and respondent No.2 would show that the parties have indeed compromised the matter and settled all their disputes. Learned counsel for respondent no.2 does not dispute that the said compromise has been entered into between the parties. The marriage between the parties has also been dissolved by a decree of divorce by mutual consent. In the circumstances, continuation of the present proceedings in pursuance of the impugned FIR (Annexure P9) would not serve any purpose. Therefore, with a view to put a quietus to the matter and to end the litigation, it would be just and expedient to quash the impugned FIR.

Consequently, the criminal miscellaneous petition is allowed. The case FIR No.29 dated 7.1.1997 (Annexure P9) registered at P.S. City Sirsa for the offences under Section 498-A and 406 IPC and all the

subsequent and consequential proceedings arising therefrom shall stand quashed.

(S.S.SARON)
JUDGE

July 24, 2007.
Reema